

(xv) Number of current-year gallon-RINs owned at the end of the quarter.

(xvi) Number of prior-years gallon-RINs owned at the end of the quarter.

(xvii) For parties reporting gallon-RIN activity under this paragraph for RINs assigned to a volume of renewable fuel, the volume of renewable fuel (in gallons) owned at the end of the quarter.

(xviii) Any additional information that the Administrator may require.

(3) All reports required under this paragraph (c) must be signed and certified as meeting all the applicable requirements of this subpart by the RIN owner or a responsible corporate officer of the RIN owner.

(d) Quarterly reports shall be submitted to EPA by: May 31st for the first calendar quarter of January through March; August 31st for the second calendar quarter of April through June; November 30th for the third calendar quarter of July through September; and February 28th for the fourth calendar quarter of October through December. For 2007, quarterly reports shall commence on November 30, 2007.

(e) Reports required under this section shall be submitted on forms and following procedures as prescribed by EPA.

[72 FR 24000, May 1, 2007]

EFFECTIVE DATE NOTE: At 72 FR 24000, May 1, 2007, § 80.1152 was added, effective Sept. 1, 2007.

§ 80.1153 What are the product transfer document (PTD) requirements for the RFS program?

(a) Any time that a person transfers ownership of renewable fuels subject to this subpart, the transferor must provide to the transferee documents identifying the renewable fuel and any assigned RINs which include all of the following information as applicable:

(1) The name and address of the transferor and transferee.

(2) The transferor's and transferee's EPA company registration number.

(3) The volume of renewable fuel that is being transferred.

(4) The date of the transfer.

(5) Whether any RINs are assigned to the volume, as follows:

(i) If the assigned RINs are being transferred on the same PTD used to transfer ownership of the renewable fuel, then the assigned RINs shall be listed on the PTD.

(ii) If the assigned RINs are being transferred on a separate PTD from that which is used to transfer ownership of the renewable fuel, then the PTD which is used to transfer ownership of the renewable fuel shall state the number of gallon-RINs being transferred as well as a unique reference to the PTD which is transferring the assigned RINs.

(iii) If no assigned RINs are being transferred with the renewable fuel, the PTD which is used to transfer ownership of the renewable fuel shall state "No RINs transferred".

(b) Except for transfers to truck carriers, retailers, or wholesale purchaser-consumers, product codes may be used to convey the information required under paragraphs (a)(1) through (a)(4) of this section if such codes are clearly understood by each transferee. The RIN number required under paragraph (a)(5) of this section must always appear in its entirety.

[72 FR 24000, May 1, 2007]

EFFECTIVE DATE NOTE: At 72 FR 24000, May 1, 2007, § 80.1153 was added, effective Sept. 1, 2007.

§ 80.1154 What are the provisions for renewable fuel producers and importers who produce or import less than 10,000 gallons of renewable fuel per year?

(a) Renewable fuel producers located within the United States that produce less than 10,000 gallons of renewable fuel each year, and importers who import less than 10,000 gallons of renewable fuel each year, are not required to generate RINs or to assign RINs to batches of renewable fuel. Such producers and importers that do not generate and/or assign RINs to batches of renewable fuel are also exempt from all the following requirements of this subpart K, except as stated in paragraph (b) of this section:

(1) The registration requirements of § 80.1150.

(2) The recordkeeping requirements of § 80.1151.

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(3) The reporting requirements of § 80.1152.

(b) Renewable fuel producers and importers who produce or import less than 10,000 gallons of renewable fuel each year and that generate and/or assign RINs to batches of renewable fuel are subject to the provisions of §§ 80.1150 through 80.1152.

[72 FR 24000, May 1, 2007]

EFFECTIVE DATE NOTE: At 72 FR 24000, May 1, 2007, § 80.1154 was added, effective Sept. 1, 2007.

§ 80.1155 What are the additional requirements for a producer of cellulosic biomass ethanol or waste derived ethanol?

(a) A producer of cellulosic biomass ethanol or waste derived ethanol (hereinafter referred to as “ethanol producer” under this section) is required to arrange for an independent third party to review the records required in § 80.1151(c) and provide the ethanol producer with a written verification that the records support a claim that:

(1) The ethanol producer’s facility is a facility that has the capability of producing cellulosic biomass ethanol as defined in § 80.1101(a) or waste derived ethanol as defined in § 80.1101(b); and

(2) The ethanol producer produces cellulosic biomass ethanol as defined in § 80.1101(a) or waste derived ethanol as defined in § 80.1101(b).

(b) The verifications required under paragraph (a) of this section must be conducted by a Professional Chemical Engineer who is based in the United States and is licensed by the appropriate state agency, unless the ethanol producer is a foreign producer subject to § 80.1166.

(c) To be considered an independent third party under paragraph (a) of this section:

(1) The third party shall not be operated by the ethanol producer or any subsidiary of employee of the ethanol producer.

(2) The third party shall be free from any interest in the ethanol producer’s business.

(3) The ethanol producer shall be free from any interest in the third party’s business.

(4) Use of a third party that is debarred, suspended, or proposed for debarment pursuant to the Government-wide Debarment and Suspension regulations, 40 CFR part 32, or the Debarment, Suspension and Ineligibility provisions of the Federal Acquisition Regulations, 48 CFR, part 9, subpart 9.4, shall be deemed noncompliance with the requirements of this section.

(d) The ethanol producer must obtain the written verification required under paragraph (a)(1) of this section by February 28 of the year following the first year in which the ethanol producer claims to be producing cellulosic biomass ethanol or waste derived ethanol.

(e) The verification in paragraph (a)(2) of this section is required for each calendar year that the ethanol producer claims to be producing cellulosic biomass ethanol or waste derived ethanol. The ethanol producer must obtain the written verification required under paragraph (a)(2) of this section by February 28 for the previous calendar year.

(f) The ethanol producer must retain records of the verifications required under paragraph (a) of this section, as required in § 80.1151(c)(5).

(g) The independent third party shall retain all records pertaining to the verification required under this section for a period of five years from the date of creation and shall deliver such records to the Administrator upon request.

[72 FR 24000, May 1, 2007]

EFFECTIVE DATE NOTE: At 72 FR 24000, May 1, 2007, § 80.1155 was added, effective Sept. 1, 2007.

§§ 80.1156–80.1159 [Reserved]

§ 80.1160 What acts are prohibited under the RFS program?

(a) *Renewable fuels producer or importer violation.* Except as provided in § 80.1154, no person shall produce or import a renewable fuel without assigning the proper RIN value or identifying it by a RIN number as required under § 80.1126.

(b) *RIN generation and transfer violations.* No person shall do any of the following: